IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3527 OF 2005

Poonam Chambers Premises Co-op.Soc.Ltd. ...Petitioner
V/s.
Sabir Rashid s/o Late & Ors. ...Respondents

Mr.A.S. Desai for the Petitioner.

Mr.Vineet Naik i/b M/s.Doijode & Associates for Respondent No.1.

Mr.A.H. Palekar, AGP for Respondent Nos.3 to 5.

CORAM : R.M. SAVANT, J.
DATED : 12TH JUNE, 2007.

P.C. :

1. The present Petition arises out of a dispute regarding accepting Respondent No.1 as a member of the Petitioner society. It is an admitted position that the application of Respondent No.1 has been rejected principally on two grounds (i) non-occupancy charges of the flat in question have not been paid and (ii) that an area of 259 sq.ft. which belongs to the society, has been shown as part of office No.101/D in respect of which Respondent No.1 is claiming membership.

2. The dispute as indicated above has resulted

in the Revision Application before the Divisional Joint Registrar who has passed an order which is impugned in the present Petition.

3. The matter was argued at length. The dispute has had a chequered history since the year 1981 or thereabouts. With a view to resolve the said issue, the parties were asked to explore the possibility of arriving at an acceptable figure as regards non-occupancy charges. The parties after meetings, have arrived at a figure of Rs.1,73,940/- as non-occupancy charges payable to the Petitioner in full and final settlement of the payment to be made on the said count.

4. In so far as the disputed portion admeasuring 259 Sq.Ft. is concerned, the parties agree that the Petitioner herein would be entitled to adopt such proceedings as are permissible in law against Respondent No.1 herein and Respondent No.1 would be entitled to take such defences as he is entitled to take in law. The learned counsel appearing on behalf of the Respondent No.1 states that a cheque for the agreed amount of Rs.1,73,940/- shall be handed over to the learned counsel for the Petitioner in the course of the day and in fact was handed over in the Court

itself. The Petitioner to furnish a receipt to Respondent No.1 of having received the said amount subject to realisation of the said cheque.

5. The learned counsel for the Petitioner states that in view of the aforesaid payments Respondent No.1 would be accepted as a member of the Petitioner - society and that the acceptance of the Respondent No.1 as a member and the further steps which are necessary for making entries in the society record so as to incorporate the name of the Respondent No.1, would be taken within fifteen days from date.

6. In view of the agreement as mentioned hereinabove, nothing survives in the Petition. The Petition is therefore disposed of as infructuous.

(R.M. SAVANT, J.)